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OFFICE OF PETITIONS

PTO/SB/64 (11-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
35684.0101

First named inventor: Matthew Davis Gard

Application No.: 09/227,490

Art Unit: 2674

Filed: January 6, 1999

Examiner: Laneau, Ronald

Title: Computer Interface Device

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 665.00.

- ☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments  
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent  
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/05/2004 WABDELRL 00000044 194547 09227490  
01 FC:2453 30.00 DA 655.00 DP

10/05/2004 WABDELRL 00000009 09227490  
01 FC:2501 20.00 DF 155.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 1, 2004

Date

  
Signature

Telephone

Number: (210) 250-6014

Alan R. Thiele

Typed or printed name

Strasburger & Price, LLP

Address

901 Main St., Suite 4300, Dallas, TX 75202

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

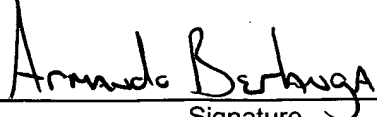
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage <sup>for U.S. Express Mail (No. EL-650173416-US)</sup> ~~as~~ in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 1, 2004

Date

  
Signature

Armando Berlanga

Type or printed name of person signing certificate



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THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICE OF PETITIONS

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| In Re                              | § | Atty Docket No.: 35684.0101 |
| Application of: Matthew David Gard | § |                             |
| Appl. No.: 09/227,490              | § | Group Art Unit: 2674        |
| Filed: January 6, 1999             | § |                             |
| Title: Computer Interface Device   | § | Examiner: Ronald Laneau     |

TO: ATTN: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF**  
**UNINTENTIONAL ABANDONMENT**

A Notice of Allowance and Issue Fee Due for the referenced application was mailed by the U.S. Patent and Trademark Office on December 1, 2003 to Mr. Scott Rhodes of the Strasburger & Price, LLP law firm in Dallas, Texas. The due date of March 1, 2004 for payment of the Issue Fee was entered into the firm's docket on December 18, 2003. On December 31, 2003, Mr. Scott Rhoades sent a letter to the inventor notifying him that payment of the Issue Fee was due by March 1, 2004.

The inventor, Matt Gard, acknowledges receipt of the letter from Mr. Rhodes. However, because of Mr. Gard's professional and personal circumstances at the time, it simply was overlooked.

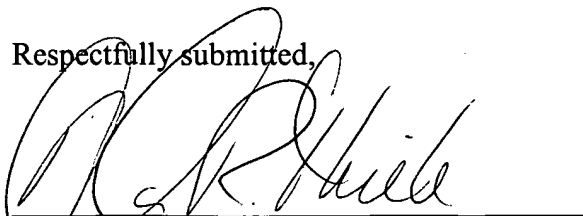
Professionally, Mr. Gard has been, and continues to be, heavily involved in work renovating the Pentagon. Of course, the events of September 11, 2001 accelerated the

Pentagon renovation project because of the desire of military planners to leave the temporary quarters they were forced to occupy and return to a rebuilt Pentagon. The pressure on Mr. Gard increased when two designers and a CAD manager left the project, leaving their responsibilities to Mr. Gard. Until just recently, Mr. Gard has been working 80-hour weeks to meet contract requirements.

Personally, Mr. Gard and his wife welcomed a new baby girl into the world in January 2004. Without family nearby to assist in caring for his new daughter, Mr. Gard had to juggle being a new father with an excessive workload. With all of these demands, something was bound to get overlooked. That something was the date for payment of the Issue Fee on the patent application that Mr. Gard had prosecuted through multiple Office Actions and a Continuation Application to an allowance.

Because of the professional and personal demands on the inventor, the date came and went for payment of the Issue Fee. Accordingly, the inventor, Matt Gard, now submits this petition to accept a late payment of the Issue Fee and revive the referenced patent application which was unintentionally abandoned for failure to pay the Issue Fee in a timely manner.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alan R. Thiele', is written over a horizontal line.

Alan R. Thiele  
Reg. No. 30,694

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Date: October 1, 2004